

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 20, 2024 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Weber called the Planning Commission Meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Jonathan Weber (*Chair*)
Trisha Presley (*Secretary*)
Jason Teiken
Lance Twedt
Amy Hunting
Robert Heidenreich
Aida Schaefer
Dennis Wippermann

Commissioners Absent: Scott Clancy (*Vice-Chair*) - excused

Staff Present: Jason Ziemer, Community Development Director
Allan Hunting, City Planner
Heather Botten, Associate Planner
Stacy Bodsberg, Community Development Support Specialist

3. CONSENT AGENDA

None.

4. PUBLIC HEARING

A. Variance from the Exterior Building Material Requirements and Side Setback Requirements for a Structure Located at 7280 Dickman Trail. (T & J Stanton FLP - Case No. 24-27V)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

The Variance requested is to allow a hoop structure 22 feet from the side property line, whereas 40 feet is the required setback in the I-1, Limited Industrial District.

The applicant installed the structure in 2020 to shelter materials from outside elements and it's 1,200 square feet in size. Staff asserts that all new buildings should be constructed to meet City Code requirements, and this situation does not appear to meet the criteria for unique circumstances. The building could have been constructed to code, and the applicant has not made an attempt to meet the requirements. The structure was installed without a building permit, and without consulting city staff. The recommendation is for denial of both Variance requests. Staff has not heard from surrounding property owners about this request.

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Opening of Public Hearing

Ryan Stanton, 7280 Dickman Trail, Applicant, stated that he read and understood the staff report. Mr. Stanton stated that the hoop structure is a canopy to cover bins. Similar canopy structures are in use on many agricultural sites and contractor sites to minimize runoff/erosion issues. The cost of the structure is about \$15,000 and did not consider the structure a building or would have sought a permit; considers it outdoor storage. Willing to take the covering off but would suggest adding this type of structure to the City Code.

Chair Weber questioned if the structure could be moved to comply with the side setback requirements. Mr. Stanton confirmed that it could be.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting inquired about the definition of a building and whether this structure met that definition. Botten stated that the Building Division reviewed the request and stated that a building permit would be required.

Commissioner Heidenreich questioned what inspections of the structure would be done. Botten stated that a Minnesota-licensed Structural Engineer would sign off on the building plans determining what materials it consists of including compliance with snow and wind load requirements.

Community Development Director Ziemer stated that the Minnesota State Building Code identifies these structures as permanent when over a certain size. They need to be constructed for parameters like wind load and snow load. These structures are only permitted in Agricultural and Rural Residential Districts. This type of structure is not allowed in Industrial Districts due to exterior building material requirements.

Commissioner Heidenreich inquired about the relevant section in the Building Code. Ziemer stated that specific information can be provided to the Commission, but there are two sections relevant, one for temporary structures and one for membrane/hoop structures. Heidenreich inquired if a permit would be required for a backyard tent used for a party. Ziemer stated that if people are going to be on the inside/under the tent, a permit is required for safety but that it also depends on the size of the structure.

Chair Weber stated that he was familiar with the company of the hoop structure mentioned in the packet, ClearSpan, and they do provide stamped engineered plans included with these structures. He asked if the issue was the exterior materials. Botten clarified that ClearSpan was one builder of a similar type of structure indicated by the applicant, not necessarily the company used for the structure installed on the site. She said that compliance with Building and Fire Code would be handled through the permit process, not the Variance process; for the Variance request, the matter in question is the exterior building material.

Commissioner Schaefer inquired if the structure would conform to code without the cover. Botten stated that if the structure was not covered, it would not be considered a structure for zoning purposes. Therefore, it would not be subject to the side setback requirement or the exterior building material requirements.

Chair Weber questioned whether it would be possible to put this Variance request on hold.

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Ziemer stated that the Planning Commission could request that the City Council direct staff to review the subject matter. Staff have already started looking into the topic.

Chair Weber inquired whether a City Code revision would be possible. Botten stated that her recommendation would be to act on the applicants request and separately make a request to the City Council to amend the Zoning Ordinance.

Commissioner Heidenreich stated that the product under the hoop structure was black dirt and inquired if that would be exempt. There are similar agricultural buildings along Barnes Avenue. Botten clarified that the applicant's property is zoned Industrial. Heidenreich inquired what the property along Barnes Avenue was zoned. Chair Weber stated that area is zoned Agricultural and is permitted to have that sort of structure. Chair Weber clarified that this was true for Agricultural properties 2.5 acres or larger.

Commissioner Hunting stated that she went out to visit the site, and the structure was difficult to find; therefore, she does not see an aesthetic impact. However, she also said she did not see any practical difficulty. She recommended denying the Variance request and recommending that City Council amend the code for industrial areas (I-1 and I-2) to allow these structures with some restrictions (e.g., on number of structures per site and/or size of structures.) She said the structure makes functional sense for industrial areas.

Chair Weber checked in with the applicant about potentially denying the Variances but requesting that City Council look into changing the code. Mr. Stanton stated that he would have put in an application for the City Code amendment himself, but this time of year is his busy time for business. Chair Weber inquired if Mr. Stanton would move the structure to be compliant with the setbacks. Mr. Stanton confirmed that he would.

Commissioner Heidenreich stated that the City should be creative in advising City Council to approve this type of structure for Industrial areas.

Commissioner Wippermann stated that he was not in favor of asking City Council to review the City Code generally and that he was not in favor of hoop structures specifically.

Planning Commission Recommendation

Motion by Weber, Second by Heidenreich, to deny a Variance to allow a structure not meeting the exterior materials standard for industrial buildings and to recommend that City Council direct staff to research adding standards for hoop structures to City Code in order to allow them in Industrial areas.

Ayes: 8

Nays: 0 Motion Carried.

Motion by Weber, Second by Twedt, to deny a Variance to allow the structure with reduced side yard setback.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on September 9, 2024.

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B. Variance from the Required Side Setback to Build a New Structure Located at 10037 Barnes Trail. (Nathan Diamond - Case No. 24-30V)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

The applicant is requesting a Variance to build a 1,600-square-foot accessory building within the side setback requirements located 40 feet from side property line, whereas City Code requires buildings this size to be 50 feet from property lines. The proposed structure would be 160 feet from the closest neighboring home to the west and complies with other zoning code requirements, such as impervious surface and exterior building material requirements.

The site is unique in that it has 680 feet of road frontage. There is a 200-foot-wide Northern States Power easement along the north side of the property and about 65 feet of grade change. Due to the size of the lot and the structure's location, the proposed building does not appear to adversely impact neighboring properties.

Staff recommends approval of the setback Variance with the three conditions listed.

Staff has not heard from surrounding property owners.

Opening of Public Hearing

Nathan Diamond, 10037 Barnes Trail, Applicant, stated that he has read and understood the staff report.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting stated that when visiting the property, observed that there is not a better location for the structure. Therefore, is in favor of approval.

Planning Commission Recommendation

Motion by Presley, Second by Schaefer, to approve a Variance to construct a detached accessory structure within the side setback, using the rationale stated and subject to the three conditions listed in the staff report.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on September 9, 2024.

C. Interim Use Permit to Operate a Park-and-Fly in the Parking Lot Located at 6588 Cahill Avenue. (Inver Grove Hospitality / AmericInn - Case No. 24-28IUP)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

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Presentation of Request

Associate Planner Botten presented a summary of the staff report.

The property is zoned B-4, Shopping Center.

The applicant received an Interim Use Permit with a one-time extension to operate a park-and-ride facility at the AMC Theatre lot, which is set to expire January 10th, 2025. A new Interim Use Permit is being requested to operate the park-and-ride at this new location's east side, rear parking lot.

The 192 parking spaces that would be used for the park-and-fly is not needed by the current retail tenants.

This Permit request is for five years, with a one-time extension allowed. No fencing is proposed. Security cameras will be on site. The drivers from the AmericInn Hotel would access the parking lot from Carmen Ave, not Cahill Ave. Conditions of approval would state that as a requirement. However, given the absence of fencing, people could drive through the park-and-ride area.

The potential for increased public safety calls is a concern. In consultation, the Police Chief recommended having at least two weeks of memory storage for the security cameras to allow for follow-up if coming back from a longer trip. The Chief also requested 24-hour contact information for the park-and-fly operation.

The Fire Department also reviewed this request and said that fencing around the perimeter of the property would impact traffic flow. Also, fencing would limit maneuverability for fire trucks. Therefore, fencing is not recommended by Public Safety.

Staff recommend approval with the conditions listed and has not heard from surrounding property owners.

Planning Commission Discussion

Commissioner Schaefer inquired about requiring a deadline for having the cameras operational. Botten stated that they would be expected to be operational by the time the park-and-fly begins operation. That could be clarified and added to the conditions.

Commissioner Teiken inquired if this is in addition to the AMC location or replacing the location. Botten stated that this request is replacing the AMC lot Interim Use Permit as it is due to expire January 10, 2025. Teiken inquired about the reason for changing the location. Botten stated that Interim Use Permits are only permitted a one-time extension, and the City Council granted that extension with it expiring on January 10, 2025. Teiken stated that security was an issue at the AMC location and would explain the number of conditions proposed.

Opening of Public Hearing

Ali Hasan, 307 Liberty Corner Road, Far Hills, New Jersey, Applicant & Owner of Hotel, and Evelyn Sanchez, 5861 Blaine Avenue, Applicant & Manager at Hotel, stated that they read and understood the staff report.

Mr. Hasan stated that it's a park-sleep-fly. All guests using the lot are staying at the hotel for at least one night. The owner of the property is against adding fencing around the perimeter of the

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area. This location is one of the only properties near the hotel that is zoned correctly for an Interim Use Permit that also meets the size requirements.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting stated that this is a wide-open parking lot. However, the area that they're proposing to utilize is somewhat isolated from sight. Has heard about an increased level of police calls for this area and is concerned about cars being parked overnight. Is not sure security cameras and lights being enough, feels that more security measures may be needed. Would support the request with a guardhouse and a 24-hour security guard.

Commissioner Heidenreich stated that the additional lights, traffic, and cameras may deter problems and will be a benefit to the Police Department with the documentation of the problems that may occur.

Chair Weber questioned if there would need to be an indemnification clause with the City. Community Development Director Ziemer stated that legally, the City would not be responsible or liable for crime in the context of the vehicles; this risk would fall onto the hotel.

Commissioner Presley inquired if power/infrastructure currently at the site is sufficient to allow for the security measures listed. Botten stated that with the current commercial buildings there, there should be enough infrastructure.

Mr. Hasan stated that there is currently a night-time security guard staffed, and a guard booth could be on site, but cannot be up right away.

Planning Commission Recommendation

Motion by Hunting, Second by Schaefer, to approve the Interim Use Permit to allow a park-and-ride facility as proposed subject to the conditions listed in the staff report, including an additional condition for a 24-hour security guard and have a permanent guard booth available as soon as possible.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on September 9, 2024.

5. REGULAR BUSINESS

A. Discussion Only about the Pine Bend Landfill Vertical Capacity Expansion Request Located at 2495 117th Street East. (BFI Waste Systems - Case No. 24-21NCUC)

Presentation of Request

City Planner Hunting and Bryan Pitterle, Senior Civil Engineer, Barr Engineering, presented Pine Bend Landfill's vertical capacity expansion request.

Overview

1. Pine Bend Landfill Background
 - a. Pine Bend Landfill is a sanitary landfill accepting a mix of municipal, non-hazardous industrial, construction and demolition debris, non-infectious waste, and asbestos.

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- b. Its design capacity is 33,937,400 cubic yards.
 - c. Its estimated annual fill rate is 600,000 cubic yards per year.
 - d. The landfill's remaining life is estimated at about five years.
- 2. Proposed Expansion
 - a. The vertical capacity expansion (Phase 7) would increase the size by roughly 8 million cubic yards.
 - b. 3:1 final cover slopes would be maintained on all sides of the landfill.
 - c. This would extend the life of the landfill about 13 years.
 - d. The height would be increased to 86.8 feet at the highest point.
 - e. Current views and 2042 renderings were shown for locations including Rich Valley Boulevard, Bailey Trail, Highway 52/55, and the trailhead of Mississippi River Greenway.
- 3. Task Timeline and Government Roles
 - a. MPCA (Minnesota Pollution Control Agency) issues solid waste permits and enforces requirements.
 - b. Dakota County develops and enforces conditions of County approvals.
 - c. The City of Inver Grove Heights develops and enforces conditions of City approvals.
 - d. In 2022, Pine Bend Landfill submitted a request for Major Modification to the MPCA.
 - e. The MPCA determined no Environmental Impact Statement was needed and issued an Air Quality Permit in November 2023.
 - f. Pine Bend Landfill submitted an application to the City in June 2024.
 - g. Public meetings are currently occurring.
 - h. The process for approvals is City, County, then MPCA.
- 4. Requests for City Approval
 - a. Zoning Ordinance Amendment for Interim Resource Overlay District (put in place to avoid allowing additional landfills in the 1990s; allows for expansion of landfill via Conditional Use Permit)
 - b. Conditional Use Permit to allow the vertical capacity expansion
 - c. Non-Conforming Use Certificate Amendment to document the allowed expansion and maximum elevation increase
- 5. 2018 Conditional Use Permit Overview

This permit set out specific conditions and established a legal process related to approval. It also:

 - a. Reaffirmed and ratified the 2004 CUP
 - b. Authorized the side slope capacity expansion
 - c. Required conformance to submitted development plans
 - d. Required compliance with state rules and MPCA solid waste permit
 - e. Restricted queuing on 117th
 - f. Required hooking up leachate system to the sanitary sewer when available
 - g. Required compliance with state rules and MPCA (surface and groundwater monitoring, gas and leachate extraction, liner leak detection, and leachate transportation and treatment)
 - h. Required Pine Bend to bring gas migration into compliance with Minnesota Rule 7035.2815 by January 1, 2025.
 - i. Ongoing monitoring system
 - i. Required the maintenance of the MPCA air emissions permit
- 6. Barr Engineering's Review
 - a. City's landfill consultant

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- i. Completes technical reviews of landfill applications and reports on behalf of the City
- ii. Advises the City on environmental matters related to landfills in IGH
- iii. Recent Technical Support
 1. Reviewed and commented on the Environmental Assessment Worksheet (EAW) from the MPCA
 - a. Numerous clarifications and corrections requested
 - b. MPCA reviewed and addressed those
 2. MPCA permit application
 - a. Topics Reviewed: waste acceptance, groundwater monitoring system, leachate recirculation, solid waste composting, groundwater quality, surface water management, waste capacity, liner and leachate collection system design, gas monitoring and gas extraction/treatment systems, final cover design, closure/post-closure/contingency action, operations and maintenance plans, and financial assurance cost estimates
 - b. Four rounds of review letters
 3. Pine Bend Landfill's application to the City
 - a. Verified that recommendations from the MPCA were included in the application
 - b. Recommended modifications to the Ordinance, the NCUC, and the CUP
 - c. Focused on four key areas: groundwater quality, surface water management, waste capacity, and gas monitoring / gas extraction/ treatment systems
 - d. Letter included summary of Pine Bend Landfill's application to the City and City's regulatory history
 - e. Technical review of MPCA permit application and recommendations/modifications
 - f. Discussion of environmental considerations
 - i. Increased visibility (height) and potential increase in litter and odor
 - ii. Benefit: additional landfill gas that would be converted to natural gas
 - iii. No impact to subsurface gas migration likely
 - iv. Potential negative impacts to surface water, though these could be mitigated through management
 - g. Summary and conclusions

Chair Weber inquired about litter. Mr. Pitterle stated that there are mitigation plans in place, but increased height means increased wind impacts regarding litter. Weber questioned if the slope's increased height will lead to an increased rate for surface water flow. Pitterle stated that management plans are in place to address this.

Commissioner Hunting questioned as to why an Environmental Impact Statement (EIS) was not needed. Mr. Pitterle stated that the decision is up to the Minnesota Pollution Control Agency (MPCA) whether more in-depth environmental review is needed. Hunting inquired what criteria would require an EIS. Pitterle stated that an EIS was not needed because the footprint of the landfill is not changing.

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Commissioner Twedt asked how the initial height of the landfill was established and whether any county, state, or EPA regulations apply. Hunting stated that he did not have that information.

Commissioner Twedt questioned if a height limit was in place. Hunting stated that reduced equipment maneuverability and loads on the extraction pipes limit the maximum height at the current footprint.

Commissioner Twedt inquired about the weight loads on extraction pipes. Mr. Pitterle stated that the weight loads were considered. Twedt questioned what would happen if the planned weight was exceeded. Pitterle stated there would be strain on the liner and concerns with slope stability. However, in the existing footprint, it would be difficult to go higher due to the slope.

Commissioner Twedt clarified that year 2042 would be the end of the landfill. And inquired about gas collection and whether the City benefits financially from that. Hunting stated that the gas is collected through pipes. The methane is converted to a quality gas used commercially. The City has no financial stake in that process.

Commissioner Schaefer inquired as to where the waste comes from. Aaron Janusz, Environmental Manager, Pine Bend Landfill, stated that the waste comes from the City, Dakota County, and transfer centers around the state, including Eden Prairie, Delano, and Blaine. Schaefer confirmed this is a 25 percent increase in the landfill's capacity, and it is expected to last 13 years. The metro's population is increasing; without other efforts to reduce or recycle waste, the fill rate could be significantly higher than anticipated. Schaefer inquired when potential impacts to surface water would get mitigated by the final cover. Mr. Janusz said that it would be six to seven years before the final cover process began. Sections of the final cover would be added every two years. Schaefer questioned whether that meant surface water impacts would not be mitigated for the first six years. Janusz stated that's not the case; there would be concrete or riprap to handle the surface water runoff. Schaefer inquired as to if the concrete benches will help mitigate surface water. Janusz stated that the benches would catch surface water and send to a chute.

Commissioner Teiken inquired as to potential other uses for the landfill once the final cover is in place. Chair Weber stated that there are legal requirements for monitoring the site, which limits other uses. Mr. Janusz stated that solar energy generation is one possibility. Mr. Pitterle confirmed that solar is an option, though the slope somewhat limits the potential for energy generation.

Commissioner Hunting stated that she was a member of the Dakota County Planning Commission and that they are studying waste management in Dakota County. She pointed out that we will always need landfills. There are types of waste that have no other destination. If Pine Bend was not allowed to expand, there would have to be another landfill. She pointed out that trying to get a new landfill approved would be difficult. She said Dakota County has found Pine Bend Landfill to be a good neighbor. She commended Pine Bend Landfill for their response to concerns, successful inspections, and forward-thinking efforts. She said she is in favor of the expansion.

Planning Commission Discussion

On the occasion of City Planner Hunting's last Planning Commission meeting, Community Development Director Ziemer and the Planning Commission commended City Planner Hunting for his 31 years of service to the City and thanked Mr. Hunting for helping the City grow and develop, and he wished him the best.

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Associate Planner Botten stated that the next regular Planning Commission meeting will be on Wednesday, September 4, 2024.

6. ADJOURN

Motion to adjourn the meeting at 8:29 p.m.

Respectfully submitted by Will Clashe, Recording Secretary.